

Holwell, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL CARBONI and
C.O.M. TRADING, INC.,

Plaintiffs,

— against —

BOB LAKE and R.J. O'BRIEN &
ASSOCIATES, INC.,

Defendants.
----- x

06 Civ. 15488 (RJH)
ECF Case

**ORDER TO SHOW CAUSE
WITH INTERIM STAY**

Upon reading and filing the Affidavit of Michael O. Ware, sworn to February 7, 2008, and the Affidavit of Anne M. Farris, sworn to February 6, 2008, and upon all prior proceedings herein,

LET plaintiffs Michael Carboni ("Carboni") and C.O.M. Trading, Inc. show cause in Courtroom 17B of the Daniel Patrick Moynihan United States Courthouse,

500 Pearl Street, New York, New York, before the Hon. Richard J. Holwell, at

3:30 A.M. ~~P.M.~~ ^{March} E.S.T. on February 6, 2008, why an Order should not be made

permanently staying certain arbitration proceedings commenced by Carboni before the

National Futures Association, under the style *Carboni v. R.J. O'Brien and Associates, LLC*

et al., NFA Case No. 07-ARB-175 (the "NFA Arbitration"), and continuing the stay

previously entered in this action in favor of arbitration before the New York Mercantile

Exchange, Inc.

Sufficient reason appearing therefor, it is hereby

ORDERED all proceedings in the NFA Arbitration are stayed pending further order of this Court; and it is further

ORDERED that a copy of this order, together with the papers on which it was made, be served by hand or by overnight delivery service (i) on plaintiffs' attorneys of record in this action, Pierre Sussman, Esq., 2197 Seventh Ave., New York, New York 10027, and Herman Wun, Esq. 26 Broadway, 25th Fl., New York, New York 10004; (ii) on the attorney whose name appears on the claim Carboni filed in the NFA Arbitration, Harold P. Gewerter, Esq., Gewerter & Associates, 5440 W. Sahara Ave., 3d Fl., Las Vegas, Nevada 89146; and (iii) on Carboni himself, at the address from which he wrote the Court in November 2007, 2911 E. Viking Rd., Las Vegas, Nevada 89146, and that such service, if completed before February 15, 2008, be deemed sufficient notice of this application; and it is further

ORDERED that any papers in opposition to this application be served so as to be received by defendants' attorneys, Mayer Brown LLP, 1675 Broadway, New York, New York 10019, no later than 1:00 P.M. E.S.T., February 29, 2008, and filed, with copies to the chambers of Judge Holwell, immediately thereafter.

SO ORDERED.

Dated: New York, New York
February 11, 2008


Hon. RICHARD J. HOLWELL
United States District Judge

GERARD E. LYNCH, U.S.D.J.
Part I